IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 14059 of 2004

Between:

Zainab Khatoon W/o Iftikhar Mehdi Khan, R/o tukkuguda, Hamlet of Mankhal Village, M.R. Maheshwaram R.r. District,
Now r/o H. No. 3-6-230, 16th Street, Himayatnagar, Hyderabad

..... PETITIONER

AND

1 Joint Collector, Ranga Reddy District Near Lakdi-ka-Pool, Saifabad, Hyderabad
2 Revenue Divisional Officer, East, Ranga Redy District Nalakunta, Goshmahal Road, Hyderabad
3 Immidi Ramulu S/o Mallesh @ Mallaiah
R/o Tukkuguda, Mankhal Village, M.R. Maheshwaram, R.R. District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly a Writ in the nature of Certiorari calling for the records in File No. F1/653/2003 dated 23-3-2004 on the file of the first respondent i.e. Joint Collector, Ranga Reddy District, peruse the same and set a side the same.

Counsel for the Petitioner: MR.P.V.NARAYANA RAO

Counsel for the Respondents 1 and 2: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

The petitioner assails the order of the first respondent in Case No.F1/653/2003 dated 23.03.2004, whereby and whereunder, the Appeal filed by the petitioner under Section 24 of the A.P. (Telangana Area) Abolition of Inams Act, 1955 (for short, 'the Act') with a delay of twenty years was dismissed.

The petitioner claims to have purchased the property admeasuring Ac.16.26 guntas in Survey No.91 of Mankhal revenue village in Ranga Reddy District from her mother Saleem Khatoon. She also claims that her name is recorded as owner in the revenue records and that the land in Survey No.91 is not inam land as defined in Section 2(1)(c) of the Act. She further alleges that the second respondent, namely, the Revenue Divisional Officer-cum-Inams Tribunal, without issuing notice to petitioner or her mother as required under Rule 5(3) of A.P.(Telanana Area) Abolition of Inam Rules, 1975 passed orders under Section 8 of the Act in favour of the third respondent on 08.10.1982 and issued Occupancy Rights Certificate (ORC) in Form III on 11.10.1982. The petitioner alleges that she came to know about the said order on 16.01.2003 and immediately filed appeal before the first respondent, who dismissed the appeal as time barred.

The learned counsel for the petitioner, Sri P.V.Narayana Rao strenuously contends that as the order was passed by the Inams Tribunal without notice to the petitioner or her mother as required under Rule 5(3) of the Rules, and the petitioner filed appeal under Section 24 of the Act, immediately after coming to know of the said order, the first respondent ought not to have dismissed the Appeal as time barred. He placed reliance on a judgment of the Full Bench of this Court in **Radha Bai v. B.Chinnayya.**

After giving anxious consideration to the case, I am not able to countenance the submission of the learned counsel for the petitioner. Admittedly, the petitioner presented the Appeal before the first respondent after a period of the two decades. If the petitioner is really in possession of the land and by reason of the ORC issued by the Inams Tribunal, the third respondent initiated necessary action, she would not have kept quiet without approaching the Appellate Authority. Be that as it is, even according to the petitioner; as disclosed in the affidavit filed before the first respondent, she came to know about the orders of the RDO on 16.01.2003. But, she presented the Appeal only on 08.09.2003. Even then, the Appeal was presented with a long delay of more than seven months and therefore the Joint Collector was justified in dismissing the Appeal under Section 24 of the Act, as time barred. The said order does not suffer from any infirmity or non-application of mind.

The writ petition, for the above reasons, is dismissed.

_____

(V.V.S.RAO,J)

10.08.2004.

pln

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Joint Collector, Ranga Reddy District, Near Lakdi-ka-pool, Saifabad, Hyderabad.
2. The Revenue Divisional Officer, East, Ranga Reddy District, Malakunta, Goshamahal Road, Hyderabad.
3. Two CCs to the Government Pleader for Revenue, High Court Buildings, Hyderabad. (OUT)
4. Two CD copies.